IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6098 of 2000

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ALL INDIA SAFAI MAZDOOR CONGRESS THRO PRESIDENT - Petitioner(s)

Versus

BOARD OF TRUSTEES FOR THE PORT OF KANDLA & 3 - Respondent(s)

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Appearance :

MR DIPAK R DAVE for Petitioner No(s).: 1.

MR ALPESH RAJPURIYA for Respondent No(s).: 1,2.
RULE SERVED BY DS for Respondent No(s).: 3.
MR PN BAVISHI for Respondent No(s).: 3.
MS LATA B PARSNANI for Respondent No(s).: 4.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 14/07/2005

ORAL JUDGMENT

1.0 The petitioner herein has prayed for the following reliefs;

> “(A) A writ of mandamus or a writ in the nature of mandamus or any other appropriate order or directions be issued directing the respondent no.1 to absorb the members of the petitioner Union shown in the statement at Annexure-A to this petition, in its employment as direct and permanent employees;
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> (B) That the respondent no.1 be directed to pay the members of the petitioner Union the minimum wage and other benefits as are paid to other workmen directly employed by the respondent no.1 at their main store from the date of their joining and till the order of this Hon'ble Court.
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> (C) Pending the admission, hearing and final disposal of this petition, this hon'ble Court be pleased to direct the respondent no.1 and 2 and / or their agents, contractors to maintain status quo regarding the service conditions of the members of the petitioner Union; and to

(D) grant such other and further reliefs as are deemed fit in the interest of justice and equality.

2.0 I have heard learned counsel for the parties. Having perused the documents placed on record, I am of the opinion that the appropriate remedy available to the petitioner Union is to approach the Industrial Court.

3.0 In above view of the matter, the petitioner Union is directed to prefer an application before the Industrial Court. On receipt of the said application from the petitioner Union, the competent Court is directed to entertain the matter and to dispose of the same as expeditiously as possible and preferably within a period of two years from the receipt of the said application from the petitioner Union. With the above direction, the petition stands disposed of. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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